

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Nicholas J. Cremona

Michael R. Matthias

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

EDMOND A. GOREK,

Defendant.

Adv. Pro. No. 10-04623 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action (the “Adversary Proceeding”) in the United States Bankruptcy Court for the Southern District of New York (the “Court”) against defendant Edmond A. Gorek (“Decedent”) [Dkt. 1];

WHEREAS, Decedent died on November 18, 2016;

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and counsel for the Decedent, Estate of Edmond A. Gorek (“Estate”),¹ and Marguerite M. Gorek, as executrix of the Estate (“Executrix”), as follows:

1. The Estate and Executrix are hereby substituted into the Adversary Proceeding as defendants in place of Decedent, and the complaint filed in the Adversary Proceeding on December 1, 2010 (the “Complaint”) shall be deemed so amended.

2. Decedent’s responses, affirmative defenses and reservation of rights to the Complaint set forth in the Answer, filed August 14, 2015 [Dkt. 41], shall be deemed responses, affirmative defenses and reservation of rights by both the Estate and Executrix and neither the Estate nor Executrix shall have any further obligation to otherwise answer the Complaint.

3. Decedent’s responses to written discovery propounded by the Trustee, specifically (i) Defendant Edmond A. Gorek’s Answer and Objections to the Trustee’s First Set of

Interrogatories dated September 30, 2016, (ii) Defendant Edmond A. Gorek’s Responses to the

¹ *In Re: Estate of Edmond A. Gorek*, in the State of Connecticut, Court of Probate, Greenwich Probate Court, District No. PD54, File No. 17-00027.

Trustee's First Request for Production of Documents and Things dated September 30, 2016, and (iii) Defendant Edmond A. Gorek's Responses to Trustee's First Requests for Admissions dated September 30, 2016, shall be deemed as responses by both the Estate and Executrix.

4. The Clerk of the Court is hereby directed to amend the caption in the Adversary Proceeding to remove Decedent and substitute the Estate and Executrix as defendants as reflected on Exhibit A to this stipulation.

5. Undersigned counsel for the Estate and Executrix (i) expressly represents that he has the authority to accept service of the Complaint on behalf of the Estate and Executrix; (ii) waives service of the summons and Complaint on behalf of the Estate and Executrix; and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Complaint on behalf of the Estate and Executrix.

6. Except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses they may have and agree that the entry into this stipulation shall not expand or affect any rights they do not otherwise have.

7. This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this stipulation shall be deemed an original.

Dated: December 12, 2017
New York, New York

Of Counsel:

BAKER & HOSTETLER LLP
11601 Wilshire Boulevard, Suite 1400
Los Angeles, California 90025-0509
Telephone: (310) 820-8800
Facsimile: (310) 820-8859
Michael R. Matthias
Email: mmatthias@bakerlaw.com

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
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and for the Estate of Bernard L. Madoff*

DAY PITNEY LLP

By: /s/ Thomas D. Goldberg
One Canterbury Green
201 Broad Street
Stamford, CT 06901
Telephone: (203) 977-7383
Facsimile: (203) 977-7301
Thomas D. Goldberg
Email: tgoldberg@daypitney.com
Kevin C. Brown
Email: kbrown@daypitney.com

*Attorneys for Defendants, the Estate of Edmond
A. Gorek and Marguerite M. Gorek, as Executrix
of the Estate of Edmond A. Gorek*

SO ORDERED:

Dated: December 12th, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE